

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 193**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
PROHIBITING THE MARKETING, SALE, DISTRIBUTION, POSSESSION, AND
USE OF ELECTRONIC CIGARETTES AND THEIR COMPONENT PARTS TO
MINORS.**

WHEREAS, Article 11, §11 of the Washington State Constitution allows local governments to make and enforce within their local laws and regulations not in conflict with the general laws; and

WHEREAS, electronic cigarettes ("E-Cigarettes") are rechargeable, battery-operated devices that look similar to cigarettes and generally use liquid cartridges filled with nicotine, flavors, and other chemicals, which converts liquid nicotine that is a known neuro-toxin, a highly addictive substance, into a chemically impregnated gas that is inhaled by a user simulating smoking; and

WHEREAS, some cartridges claim not to contain nicotine, but there is no regulatory programs to monitor this claim. Extended exposure to nicotine results in increased tolerance, resulting in the need for escalating doses to receive the desired stimulation; and

WHEREAS, withdrawal symptoms can include cognitive and attention deficits, cravings, inability to sleep, and sleep disturbance; and

WHEREAS, there are currently no restrictions on the sale, distribution, or purchase of E-Cigarettes in Washington State, although other jurisdictions have enacted laws controlling such devices or taken regulatory action. In Washington State, no law controls the sale of E-Cigarettes to minors; and

WHEREAS, the Spokane Regional Health District has determined it is in the best interests of citizens within its jurisdiction to protect children and young people from E-Cigarettes; and

WHEREAS, the Spokane Regional Health District Board of Health passed Resolution No. 10-05 on September 23, 2010, which among other matters, supported and encouraged jurisdiction in Spokane County to adopt ordinances that prohibit the marketing, sale, distribution, and use of E-Cigarettes and their component parts to minors;

NOW THEREFORE the City Council of the City of Liberty Lake does ordain as follows:

Section 1. Spokane Regional Health District.

The Liberty Lake City Council adopts the findings, testimony and record of the Spokane Regional Health District on this matter, including Resolution No. 10-05 passed by the Spokane Regional Health District Board of Health on September 23, 2010.

Section 2. E-Cigarettes Prohibited.

- A. No person under the age of eighteen ("minor") may purchase, attempt to purchase, possess, or obtain E-Cigarettes, their component parts, or any other similar device.
- B. No person or business may give, market, sell, which includes mechanical sales through any device that mechanically dispenses such products, distribute, transfer, or offer E-Cigarettes, their component parts, or similar devices to minors.

Section 3. Enforcement and Penalties.

- A. This Ordinance shall be enforced by the Liberty Lake Police Department and/or health officer for the Spokane Regional Health District or his or her designee who shall be the "enforcement officer" as that term is used in Chapter 7.80 RCW.
- B. Violation of any provision of this Ordinance by a minor is a class 3 civil infraction and subject to a monetary penalty of fifty dollars (\$50.00). Each transaction, including but not limited to gifting, distributing, transferring, selling, marketing, or offering E-Cigarettes, is a new and separate violation.
- C. Violation of any provision of this Ordinance by a person or business other than a minor is a class 1 civil infraction and subject to a monetary penalty of two hundred fifty dollars (\$250.00). Each transaction, including but not limited to gifting, distributing, transferring, selling, marketing, or offering E-Cigarettes, is a new and separate violation.

Section 4. State and Federal Law.

This Ordinance shall be harmonized to avoid any conflict with Chapter 70.155 RCW and with any other federal or state preempting laws or regulations. Nothing in this Ordinance diminishes the authority of the City of Liberty Lake to enforce RCW 70.155.080 directly or any other applicable laws or regulations.

This Ordinance shall be null and void on the day that state or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Ordinance, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the City of Liberty Lake. The City of Liberty Lake legislative body may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purpose of triggering the provisions of this Section.

Section 5. Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 19th day of April, 2011.

Wendy Van Orman
Wendy Van Orman, Mayor

ATTEST:

Ann Swenson
Ann Swenson, City Clerk

Approved As/To Form:

Sean P. Boutz
Sean P. Boutz, City Attorney

Date of Publication: 4-28-11

Effective Date: 5-3-11

CERTIFICATION

I, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 193 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on April 19, 2011 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: unanimous, 6-0.

AYES, and in favor thereof: Mayor Pro Tem Crump; Council Members: Beckett, Kaminskis, Schuler, Romney, and Langford.

NAYS: None.

ABSENT: Council Member Owens

ASTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK